

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1151 be amended to read as follows:

1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:

3 "SECTION 1. IC 3-6-8-2.5 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.5. **(a)** A watcher
5 appointed under this chapter must **satisfy both of the following:**

6 **(1) A watcher must** be a registered voter of the county.

7 **(2) A watcher may not be related to a candidate in a manner**
8 **that would disqualify the watcher to serve as a precinct**
9 **election officer under IC 3-6-6-7(a)(4)."**

10 Page 11, between lines 29 and 30, begin a new paragraph and insert:

11 "SECTION 11. IC 3-12-6-1.5, AS AMENDED BY P.L.40-2001,
12 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 UPON PASSAGE]: Sec. 1.5. A candidate for election to precinct
14 committeeman or state convention delegate is **not** entitled to have the
15 votes cast for that office recounted under this chapter. The political
16 party of the candidate, in accordance with any applicable party rules,
17 determines the winner of an election to a political party office.

18 SECTION 12. IC 3-12-6-21.7 IS AMENDED TO READ AS
19 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 21.7. **(a) The**
20 **recount commission shall count the ballots in each precinct**
21 **separately.**

22 **(b)** Unless the recount commission makes a finding under subsection
23 ~~**(b)**~~, **(c) and issues an order under subsection (d),** the recount

commission shall

~~(1)~~ count ballots in accordance with this article. ~~and~~

~~(2) not order that all ballots in a precinct not be counted.~~

~~(b)~~ (c) If

~~(1)~~ a party to the recount presents evidence of fraud, tampering, or misconduct ~~affecting that occurred in a precinct, the commission may make a finding that the fraud, tampering, or misconduct affected~~ the integrity of the ~~ballot~~ balloting within a that precinct ~~and~~

~~(2) to the extent that the commission determines that the fraud, tampering, or misconduct within that precinct was so pervasive that it is impossible for the commission is unable~~ to determine the approximate number of votes that each candidate received in that precinct.

(d) If the commission makes a finding under subsection (c), the commission may order that none of the ballots from that precinct be counted.

(e) If the commission adopts an order permitted by subsection (d), the commission shall determine the number of votes received by each candidate without including any votes cast in the affected precinct."

Page 18, between lines 36 and 37, begin a new paragraph and insert:
"SECTION 33. IC 33-16-4-1, AS AMENDED BY P.L.176-1999, SECTION 130, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. The following are authorized to subscribe and administer oaths and take acknowledgments of all documents whatsoever, pertaining to all matters where an oath is required:

(1) Notaries public.

(2) Justices and judges of courts, in their respective jurisdictions.

(3) The secretary of state of Indiana.

(4) The clerk of the supreme court.

(5) Mayors, clerks, clerk-treasurers of towns and cities, and township trustees, in their respective towns, cities, and townships.

(6) Clerks of circuit courts and master commissioners, in their respective counties.

(7) Judges of United States district courts of Indiana, in their respective jurisdictions.

(8) United States commissioners appointed for any United States district court of Indiana, in their respective jurisdictions.

(9) The following, for any purpose authorized under IC 3:

(A) A precinct election officer (as defined in IC 3-5-2-40.1).

~~and~~

(B) An absentee voter board member appointed under IC 3-11-10, for any purpose authorized under IC 3.

(C) The director, the assistant director, or an employee of

1 **the board of elections and registration established by**
2 **IC 3-6-5.2-3.**

3 (10) A member of the Indiana election commission, a co-director
4 of the election division, or an employee of the election division
5 under IC 3-6-4.2.

6 (11) County auditors, in their respective counties.

7 (12) Any member of the general assembly anywhere in Indiana."

8 Renumber all SECTIONS consecutively.

(Reference is to HB 1151 as printed January 30, 2004.)

Representative Kuzman